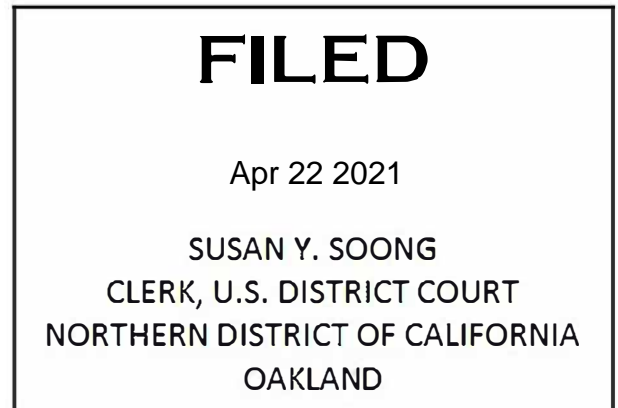


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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	NO. 21-MJ-70319-MAG
)	
Plaintiff,)	STIPULATION AND PROPOSED ORDER
)	EXCLUDING TIME UNDER THE SPEEDY TRIAL
v.)	ACT AND FEDERAL RULE OF CRIMINAL
)	PROCEDURE 5.1(c) AND (d)
JOSE OCHOA GUTIERREZ,)	
)	
Defendant.)	
)	

A status conference in this matter is scheduled for April 23, 2021. Counsel for the United States and counsel for the defendant, Jose Ochoa Gutierrez, jointly stipulate and request that the status conference be continued to May 21, 2021 at 1:00 pm before Magistrate Judge Kandis A. Westmore and time be excluded under Federal Rule of Criminal Procedure 5.1(c) and (d), and the Speedy Trial Act from April 23, 2021 to May 21, 2021.

The government and counsel for the defendant have agreed that time be excluded under Federal Rule of Criminal Procedure 5.1 and the Speedy Trial Act so that defense counsel can continue to prepare, including by reviewing additional discovery that has recently been produced by the government. For these reasons, the parties stipulate and agree that excluding time until May 21, 2021,

1 will allow for the effective preparation of counsel. *See* 18 U.S.C. § 3161(h)(7)(B)(iv); FRCP 5.1(c) and
2 (d). The parties further stipulate and agree that the ends of justice served by excluding time from April
3 23, 2021 to May 21, 2021 from computation under the Speedy Trial Act and Federal Rule of Criminal
4 Procedure 5.1(c) and (d) outweigh the best interests of the public and the defendant in a speedy trial. 18
5 U.S.C. §§ 3161(h)(7)(A), (B)(iv).

6 The undersigned Assistant United States Attorney certifies that she has obtained approval from
7 counsel for the defendant to file this stipulation, request, and proposed order.

8
9 IT IS SO STIPULATED.

10
11 DATED: April 22, 2021

/s/ Molly K. Priedeman
MOLLY K. PRIEDEMAN
Assistant United States Attorney

12
13
14 DATED: April 22, 2021

/s/ Miranda Kane
MIRANDA KANE
Attorney for the Defendant

PROPOSED ORDER

Based upon the representations of counsel and for good cause shown, the Court finds that failing to exclude the time from April 23, 2021 to May 21, 2021, would unreasonably deny defense counsel and the defendant the reasonable time necessary for effective preparation and continuity of counsel, taking into account the exercise of due diligence. 18 U.S.C. §3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time from April 23, 2021 to May 21, 2021 from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) outweighs the best interests of the public and the defendant in a speedy trial. Therefore, and with the consent of the parties, IT IS HEREBY ORDERED that the time from April 23, 2021 to May 21, 2021 shall be excluded from computation under the Speedy Trial Act and Federal Rule of Criminal Procedure 5.1(c) and (d) and the status conference shall be continued to May 21, 2021 at 1:00 pm before Magistrate Judge Kandis A. Westmore. 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv); FRCP 5.1(c),(d).

IT IS SO ORDERED.

DATED: April 22, 2021



THE HONORABLE ROBERT M. ILLMAN
United States Magistrate Judge